



# भारत का राजपत्र

## The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 2  
PART II—Section 2

प्रारंभिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

[सं. 15] नई बिल्ली, सोमवार, मार्च 28, 1988/चैत 8, 1910  
[No. 15] NEW DELHI, MONDAY, MARCH 28, 1988/CHAITRA 8, 1910

इस भाग में भिन्न पृष्ठ संख्या वी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

### RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 28th March, 1988:—

#### I

BILL NO. XVI OF 1988

*A Bill to confer on the President the power of the Legislature of the State of Tamil Nadu to make laws.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

- |  |   |
|--|---|
| <p>1. This Act may be called the Tamil Nadu State Legislature (Delegation of Powers) Act, 1988.</p> <p>2. In this Act, "Proclamation" means the Proclamation issued on the 30th January, 1988 under article 356 of the Constitution, by the President, and published with the notification of the Government of India in the Ministry of Home Affairs, No. G.S.R. 66(E) of the said date.</p> <p>3. (1) The power of the Legislature of the State of Tamil Nadu to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.</p> <p>(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact, as a President's Act, a Bill containing such provisions as he considers necessary.</p> | <p>Short title.</p> <p>Definition.</p> <p>Conferment on the President of the power of the State Legislature to make laws.</p> |
|--|---|

---

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of forty members of the House of the People nominated by the Speaker and twenty members of the Council of States nominated by the Chairman.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment, be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to by the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2).

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended.

### STATEMENT OF OBJECTS AND REASONS

Under the Proclamation issued by the President on the 30th January, 1988, the powers of the Legislature of the State of Tamil Nadu are now exercisable by or under the authority of Parliament. Such legislative measures as may be necessary for that State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all the legislative measures for the State. It is, therefore, proposed that Parliament should, in accordance with the provisions of sub-clause (a) of clause (1) of article 357 of the Constitution, confer by law on the President the powers of the Legislature of the State of Tamil Nadu to make laws for the State. The present Bill is intended to give effect to this proposal.

BUTA SINGH.

---

### FINANCIAL MEMORANDUM

The proviso to sub-clause (2) of clause 3 of the Bill provides for the Constitution of a Committee for consultation regarding President's Acts, consisting of 40 members of the House of the People and 20 members of the Council of States. Expenses to be incurred in connection with the meetings of the Consultative Committee would be met from the Consolidated Fund of India. This Committee will meet as and when necessary. The expenditure is not expected to be large and is not likely to exceed Rs. 5.00 lakhs during the period the Proclamation remains in force. This Bill, if enacted, will not involve any non-recurring expenditure.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

The power of the legislature of the State of Tamil Nadu to make laws, which has been declared by the Proclamation issued under article 356 of the Constitution in respect of that State on the 30th January, 1988, to be exercisable by or under the authority of Parliament, is sought to be conferred on the President under article 357(1) (a) of the Constitution. Before exercising the aforesaid power, the President is required, whenever he considers it practicable to do so, to consult a Committee of members of Parliament constituted for the purpose in accordance with the provisions of the proviso to sub-clause (2) of clause 3. Any Act enacted by the President in exercise of the aforesaid power is required to be laid before each House of Parliament and Parliament may direct modifications to be made in the Act [*vide* sub-clauses (3) and (4) of clause 3]. The delegation of legislative power is in pursuance of the express provision in this behalf in article 357(1) (a) of the Constitution and is necessary as it will not be easy for Parliament to find time to deal with the various legislative measures that may be required in respect of the State of Tamil Nadu. Under the exceptional circumstances arising out of the issue of a Proclamation under article 356 of the Constitution, this delegation of legislative power is limited to the period when the aforesaid Proclamation dated the 30th January, 1988 will continue to be in force. To the extent that it has been usual for Parliament to confer on the President such legislative powers, it can be regarded as of a normal character.

**BILL No. XVII of 1988**

*A Bill further to amend the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Act, 1986.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Amendment Act, 1988.

Short title  
and com-  
mence-  
ment.

(2) It shall be deemed to have come into force on the 28th day of March, 1988.

Tamil  
Nadu  
Act,  
17 of 1986.

2. In section 4 of the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Act, 1986 (hereinafter referred to as the principal Act), in sub-section (2), for the words "two years and six months", the words "three years" shall be substituted.

Amend-  
ment of  
section 4.

3. Every Special Officer appointed or deemed to be appointed under sub-section (1) of section 4 of the principal Act and holding office as such immediately before the commencement of this Act, shall continue to hold such office on and from such commencement as if the provisions of sub-section (2) of section 4 of the principal Act, as amended by this Act, had been in force on such commencement, and accordingly, anything done or any action taken by such Special Officer under the principal Act during the period commencing on and from the 28th day of March, 1988 and ending with the date of publication of this Act in the Tamil Nadu Government Gazette, shall be deemed to have been validly done or taken in accordance with the provisions of the principal Act.

Valida-  
tion.

#### STATEMENT OF OBJECTS AND REASONS

Special Officers were appointed under sub-section (1) of section 4 of the Tamil Nadu Agricultural Service Co-operative Societies (Appointment of Special Officers) Act, 1986 (Tamil Nadu Act 17 of 1986) to manage the affairs of all the agricultural service co-operative societies in the State of Tamil Nadu for a period of nine months with effect on and from the 28th September, 1985. The period of their appointment was extended from time to time and it will expire on the 27th March, 1988.

2. As it would take some more time to make rules under the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) and to conduct elections to the agricultural service co-operative societies, it has been decided to extend the period of appointment of the Special Officers for a further period of six months beyond the 27th March, 1988.

3. The Bill seeks to give effect to the above object.

BHAJAN LAL.

### III

#### BILL No. XVIII OF 1988

*A Bill further to amend the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Amendment Act, 1988.

Short title.

2. In the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976, in section 4, in sub-section (1), for the words "eleven years and ten months", the words "twelve years and four months" shall be substituted.

Amend-  
ment of  
section 4.

## STATEMENT OF OBJECTS AND REASONS

Special Officers were appointed under sub-section (1) of section 4 of the Tamil Nadu Co-operative Societies (Appointment of Special Officers) Act, 1976 (President's Act 25 of 1976) for scheduled co-operative societies for a period of two years in the first instance. The period of their appointment was extended from time to time and it will expire on the 9th April, 1988.

2. As it would take some more time to make rules under the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983) and to conduct elections to the scheduled co-operative societies, it has been decided to extend the period of appointment of the Special Officers for a further period of six months beyond the 9th April, 1988.

3. The Bill seeks to give effect to the above object.

BHAJAN LAL.

---

SUDARSHAN AGARWAL,  
*Secretary-General.*